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March 15, 2011   RE: SUBMITTED BULLYING TESTIMONY

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Dear Mr. Heithaus,

My thanks to you for our recent discussions about testifying before the oversight
commission about the current bullying legislation. While I was not able to testify
directly, herein, per your suggestion, is my written testimony.

In cutting to the chase, let me state that I am not enamored with the current legislation
and have not been since its conception and follow-up inception. It was, in my opinion, a
knee-jerk reaction to tragic circumstances, driven more by politics and emotion than
reality and reasoned discussion. Also, it took, almost exclusively, a law enforcement
approach that singled out schools and within them, was solely directed at incidents of
student to student bullying. It did then and does now, leave much to be desired. I'm
hopeful my succeeding comments will serve to enlighten the commission as to the
nature of my claims.

Bullying is a complex issue that concerns various stakeholders, among them law
enforcement (e.g. juvenile justice), sociologists and public and mental health personnel.
Lest we forget, the urgency to develop and enact the anti-bullying legislation resulted
from the suicides of Phoebe Prince and Carl Walker-Hoover, both associated with
bullying. It goes without saying that those suicides were, as is any suicide, tragic,
leaving an emotional aftermath that is difficult to fathom. Unfortunately, there have
been numerous suicides of young people around the globe that have been associated
with bullying. For an expose on such occurrences in the United Kingdom, I refer you to
Bullycide: Death at Playtime by Neil Marr and Tim Field. It is those authors who coined
the term bullycide. It was the suicides of Ms. Prince and Mr. Walker-Hoover that
grabbed the nation's attention and, perhaps evermore, engraved suicide as the public
face of bullying. That perception, however, is misplaced.

Rather than establish bullying as a separate and distinct entity, left to dangle at the end
of the proverbial limb, it needs to be attached and incorporated into more overarching
concepts. Those concepts are youth suicide and youth violence.

Regarding youth suicide, the Centers for Disease Control (CDC) have reported the following (http://www.cdc.gov/violenceprevention/pub/youth_suicide.html):

> For youth between the ages of 10 and 24, suicide is the third leading cause of death. It results in approximately 4400 lives lost each year.

To further elucidate this issue, heed the following:

> Deaths from youth suicide are only part of the problem. More young people survive suicide attempts than actually die. A nationwide survey of youth in grades 9-12 in public and private schools in the United States found that 15% of students reported seriously considering suicide, 11% reported creating a plan and 7% reported trying to take their own life in the 12 months preceding the survey. Each year, approximately 149,000 youth between the ages of 10 and 24 receive medical care for self-inflicted injuries at Emergency Departments across the U.S.

While my inquiries at both the Massachusetts and federal level revealed that there is no statistic for "bullycides," such occurrences, not to be considered insignificant by any means, are rare within the scope of overall youth suicide statistics. What might be helpful would be to consider how such a statistic, based on some sort of reporting mechanism, could be developed.

The other major context within which bullying needs to be placed is that of youth violence. In that regard the literature refers to a *Continuum of Violence*, wherein bullying is placed on an ever escalating ladder that has the potential to elicit more problematic actions in the future. The World Health Organization (WHO) defines youth violence this way:

> The intentional use of physical force or power, threatened or actual, exerted by or against children, adolescents or young adults, ages 10–29, which results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation. (World Health Organization, 2002).

The WHO proceeds to note that youth violence is about more than bullying and includes, gang violence, school violence, dating violence, homicide and suicide. (WHO World Report - Chapter 2, 2002). For additional information about this aspect, I direct you to the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP). The OJJDP produces "Juvenile Justice Bulletins," like the April 2000 Bulletin on "Predictors of Youth Violence." (http://www.ncjrs.gov/pdffiles1/ojjdp/179065.pdf). Youth violence, much like bullying, is a complex issue that demands extensive research, considered discussion and input from a multitude of perspectives.

Clearly, bullying, delegated as a distinct entity, is illogical. We must begin to connect bullying to the larger contexts to which it rightfully belongs.

To turn from those contexts for a moment, I now want to comment on various bullying

perspectives. It should be abundantly clear that as soon as legislation was adopted and as soon as Former District Attorney Elizabeth Scheibel charged teens in South Hadley with various crimes, it was inevitable that bullying would take on a law enforcement perspective at the exclusion of all others. Although the law enforcement perspective is legitimate, it should not exclude others such as those of a public health, sociological and what should now be obvious from the comments on youth suicide, a mental health perspective. All need to be incorporated into a unified view of bullying.

Accordingly, it seems to me that there are two distinctions about bullying that need to be made here. First, there are those incidents that involve actual physical attacks. Existing legislation addresses assault and battery situations. Unfortunately, however, schools, often responding to their own self-interests, choose to handle such incidents "in-house." We see a similar reality on college campuses nationwide with regard to campus date rape occurrences. Such criminal actions, both by law and by necessity, need to be reported to law enforcement. It is irresponsible to do otherwise.

Other aspects of bullying have to do with "non-physical incursions" such as name calling, taunting and teasing and the now present cyberbullying, obnoxious and annoying behavior. While some such behavior rises to the level of criminality, and while all bullying is now hyped to be criminal, much is not. It is that gray area that presents the real conundrum of bullying. Unfortunately, the hastily developed legislation that attempted to address the "what can be done about it?" aspect, jumped to the solution before its proponents understood the intricate nature of the problem.

It seems that whatever societal ill befalls us, there is a tendency to attempt to legislate it out of existence. Such is the case with any and all forms of bullying. With the Massachusetts bullying legislation, the onus is on schools, specifically on student to student bullying in schools. And, like so many other societal ills (e.g. children are going hungry, feed them in schools; teens get pregnant and acquire STD's, develop sex ed classes), schools and their personnel are now put on notice to "stamp out bullying." In recent testimony to the oversight committee, Ms. Scheibel, according to a February 10, 2011 (p. A4) article in *The* (Greenfield, MA) *Recorder*, stated:

> ...the law should be changed to require schools to pass on all substantiated reports of bullying to law enforcement, leaving it solely to prosecutors to determine what, if any, further action is necessary.

Such a singular law enforcement perspective is uninformed, short-sighted and, in all probability, ineffective. As one superintendent stated to me, "I think it will only drive it (i.e. bullying) further underground." While there is a place for law enforcement involvement as previously explained, it is not and cannot encompass the whole.

During the time there was a hue and a cry for "anti-bullying" legislation and before such was enacted, I forwarded my concerns to every then-sitting Massachusetts legislator as well as to several in the Governor's office and in the Department of Education. In my entreaties, I strongly advocated for the following to be included in the legislation:

1. That a suicide prevention plan be developed and instituted in every school throughout the Commonwealth.

2. That institutions preparing and certifying prospective teachers require said prospects to take at least a one if not two-semester course in basic child and adolescent mental health.

The intent of these aspects was first of all to address the issue of youth suicide by implementing prevention plans, which have been shown to be effective. Further, more and more mental health students are appearing in classrooms throughout the United States. Yet, teachers have scant, if any, knowledge about the various mental health conditions that challenge their students. Note that I do not intend to make clinicians out of educational personnel, rather that they acquire some basic understanding and knowledge that would enable them to "spot" such students and refer them for further evaluation and assistance.

Obviously, my primary perspective on bullying is one of mental health. While Ms. Prince and Mr. Walker-Hoover shone a bright light on youth suicide, let us not forget that the Columbine (Colorado) School shooters also committed suicide. Before dismissing those young men (i.e. Dylan Klebold and Eric Harris) as deserving of such a fate, I suggest you read this article: *(http://www.slate.com/id/2099203)* that provides background information on these two young men. While they were, one might say, at different ends of the mental health spectrum, it's obvious they both had mental health challenges, which serves to embellish the mental health perspective on bullying. (To read about psychopathic kids, I refer you to *Savage Spawn* by Jonathan Kellerman.)

To further bolster the special needs/mental health perspective, one need only consider that special needs kids (which includes those with mental health challenges) are bullied on a 3:1 ratio over normal kids. It is this population whose challenges (including, for instance, those with physical disabilities, mental retardation, learning disabilities, etc.) have already placed them in a vulnerable state, which oftentimes makes them more susceptible to bullying. Recent research, for example, claimed that kids with Obsessive-Compulsive Disorder (OCD) are bullied on a 4:1 ratio over others.

Although I focus on the mental health angle (supported by the eminent researcher and author on bullying, Susan Swearer, Ph.D.), even a sociological perspective on bullying deserves consideration. That approach looks at more socio-cultural deficits as risk factors. Truth be told though, there seems to be an infinite supply of reasons as to why people bully as well as for the rationale they provide for doing such. Even the development of a sure-fire, consistent definition of bullying has proved evasive. In response to this dilemma and as a member of my local school district's Bullying Task Force, I have repeatedly stated the need to formulate a definition of bullying and to then determine a Philosophy (i.e. perspective) of Bullying, without which one proceeds blindly in addressing the issue. The oversight commission itself reflects these concerns.

It seems to me that the commission is made up primarily of law enforcement personnel. In my review of the sitting members, I do not recall seeing anyone from the Department of Mental Health. Further, the Department of Education (DOE) is, in essence, in charge of instituting anti-bullying policies and procedures, which, I daresay, is the last place for

such authority. While DOE posits a recommend list of approved anti-bullying programs, the overwhelming majority of anti-bullying programs have yet to be studied. And, those that have been studied have been shown to be, by and large, ineffective. To wit, the most famous program is the Olweus Bullying Prevention Program (OBPP), developed by Dan Olweus and instituted by the Norwegian government. Although the OBPP has been effective in Norway, its efficacy in other countries has proven to be problematic. Yet the program is touted in school districts throughout the United States. And, just this past October 2010, The Institute of Education Sciences (via the U.S. Department of Education) studied several Social & Character Development (SACD) programs with collaborative researchers around the country. In its 600+ page report, all the studied programs were deemed ineffective (http://ies.ed.gov/ncer/pubs/20112001/index.asp) yet it is these types of programs that are recommended by DOE, instituted in our school districts and utilized throughout the United States.

Many are rightly concerned about bullying and, for clinicians like me, are particularly concerned about the mental health implications. Despite all the worldwide research over the past 20 years, however, and despite all the attempts to legislate good behavior, we are still, to some extent, groping in the dark when it comes to any sort of real solution. Robert Sapolsky, Ph.D., noted expert on stress and author of *Why Zebras Don't Get Ulcers,* has remarked that of all the species on Earth, none seem to go out of their way to stress out others of their own kind as do humans. Knowing that does not imply we shouldn't be concerned or that we shouldn't make some sort of valiant effort to address the issue. Placing the emphasis and all the attempts for resolution in the law enforcement bag will do little justice for all those affected by bullying. For all the focus on anti-bullying legislation, author and, for over 20 years, seminar presenter on bullying, psychologist Izzy Kalman (http://www.bullies2buddies.com), asks: "What's next, anti-jerk legislation?" I do though, have some final thoughts and a few suggestions.

While incidents of alleged bullycide garner the headlines and while actual physical incidents of bullying are an affront, they are not the majority of occurrences related to bullying. That is by no means intended to minimize the 'aftershocks" of such occurrences as witnessed by what I claim to be "communal PTSD" (Posttraumatic Stress Disorder) as was evident in South Hadley.   Such communal impact makes the case that bullying is not solely a school terrain issue, rather it is one of entire communities and speaks to cultural concerns. As I often say, "It's hard enough to get people to return their supermarket shopping carts to their proper place rather than leaving them in the parking lot for everyone else to run into," let alone formulate actions to exterminate bullying. The stores even erected parking lot kiosks for the carts and people STILL leave them all over. Pray tell, with that prevalent and rampant attitude, how can we instill a different attitude in young people so they stop hurting each other? While I do not have a definitive answer to that question, punishment is not the answer.

To me, rather than legislative power being used to "bully" people into submission, it should serve as a guideline for what we hope to achieve. It can't be black and white as bullying is a lot grayer than that, an incredibly complex issue with multiple dynamics at work that can be viewed from a variety or perspectives. As Patrick Swayze said in *Road House (1989)*, "Be nice until it's time to *NOT* be nice." Rodney King (1991) poignantly addressed the ultimate quandary when he asked: "Can we all get along?"

Unfortunately, there are no easy answers and no quick fixes. People pick on each other for a vast array of reasons. It's more than student to student incidents as it also involves student to staff, staff to student and staff to staff confrontations and infringements.   And, bear in mind it's beyond schools. It occurs in the workplace, churches, on-line, in political debates and in various and sundry other situations and environments. An exclusionary, isolationist attitude adds to the dilemma.

Before jumping to solutions and the myriad of techniques they conjure up, those entrusted with addressing bullying situations need to first become knowledgeable about the issue. There is an abundance of literature from different perspectives. Training should begin with an informative approach that discusses the intricate dynamics of bullying (e.g. not all bullies are alike) rather than beginning with a preventive/solution based approach.

From there "interveners" will need to listen to all parties involved via a full and impartial hearing. Validating (versus agreeing with) one's experience, especially those of the targets is crucial. If anything the legislation can serve as a wake up call for educators to pay more attention to bullying overall rather than being, as has been the case historically, dismissive. Suspected criminal acts (e.g. assault and battery) need to be referred to law enforcement and not handled in house.

Legislatively I'd like to see the following:

    1. The provision for and implementation of suicide prevention programs in every school in the Commonwealth.
    2. Child and adolescent mental health course requirements for prospective teachers.
    3. The provision for and implementation of a statewide bullying hotline that kids can call, are listened to and assisted.
    4. The provision to include informative, rather than exclusively anti-bullying, training.

My thanks to you and to the oversight commission for he opportunity to submit this testimony. If you need anything further from me or require my presence to speak in person, please do not hesitate to let me know.

Best regards,

Garry L. Earles, LICSW